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the resident elected to have as his domicile. If we apply this test in the present case, the question might logically resolve itself into an inquiry as to whether ranchmen would rather sleep than eat.

EVIDENCE—PHOTOGRAPHS OF DECEASED'S WOUNDS.—In a prosecution for murder, the state introduced in evidence photographs showing the nature of the decedent's injuries, described by the court as "large and very vivid and striking, though correct, photographs of decedent's bruised and battered head and face." These were objected to on the ground that they tended unduly to prejudice the jury by exciting horror and indignation and diverting their attention from dispassionate consideration of the case. *Held*, that the photographs were properly admitted. *People v. Balistieri*. (Cal. App. 1914) 139 Pac. 821.

The court disposes of the objection in the following language: "The fact that its striking and gruesome detail might excite feelings of horror and perhaps indignation in the minds of the jury would not be sufficient reason for the exclusion of such evidence; otherwise the more horrible the murder the more hampered would be the prosecution of those who had contributed to the details of its horror." The admission of such evidence seems to be in line with the constant practice of the courts, although there is undoubtedly danger in the use of such exhibits. Speaking of the objections to their use GREENLEAF says, § 13e, "Such objections have almost invariably been repudiated by the court in allowing the production of tools or weapons, clothing, or members of a murdered or injured person's body." Probably the most extreme case in admitting such evidence is *Vincent v. State*, 24 Ia. 570, in which the severed head of the deceased, preserved in alcohol, was allowed to come in as an exhibit. Other similar cases are *Wynne v. State*, 56 Ga. 113; *Foster v. People*, 63 N. Y. 619; *State v. Murphy*, 118 Mo. 7, 14; *Spies v. People*, 122 Ill. 1, 236, (involving the Haymarket riots). The admission of these species of real evidence is however, discretionary with the court, and they may be excluded when it is apparent that the result would be to confuse the jury, or to unduly prejudice the defendant. Thus, in *Rost v. Brooklyn Heights Ry.* 41 N. Y. Supp. 1069, the exhibition of the amputated foot of a child alleged to have been injured by the negligence of the defendant, was held error; and in *Selleck v. Janesville*, 104 Wis. 570, it was held that photographs showing the condition of an injured foot were inadmissible.

EVIDENCE—VALUE OF PROPERTY.—The City of Chicago instituted condemnation proceedings against certain land owned by the defendant within the city limits. To prove the value of the land defendant put on the stand several real estate dealers who had done business in the vicinity and offered to prove by them certain bona fide cash offers which they had received recently on similar adjacent property. This evidence was excluded by the trial court, and on appeal, this exclusion was *held* error. *City of Chicago v. Lehman*, (Ill. 1914) 104 N. E. 829.